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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,253	03/31/2004	Victoria V. Genovker	1020.P186-43	9848
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KACVINSKY LLC C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 09/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,253

Applicant(s)

GENOVKER ET AL.

Examiner

WILLIAM J. GOODCHILD

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-11, 13-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-11, 13-21, 23-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8, 11 and 16 refer to another document "Advanced Switching Specification", a claim must include all relevant limitations within the claim and cannot reference another document.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-7, 9-10, 13-15, 17-21 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoakum et al., (US Publication No. 2004/0059781), (hereinafter Yoakum).

Regarding claim 1, Yoakum discloses locating a plurality of devices connected to a fabric [paragraphs 19, lines 2-3, figure 1];
determining whether capability information for a device has already been collected [paragraphs 18-19];
collecting capability information for each device in accordance with said determining [paragraphs 18-19];
updating a capability table with said capability information [paragraphs 21-22]; and
configuring each device with fabric information [paragraph 22].

Regarding claim 2, Yoakum discloses said collecting comprises collecting capability information for a plurality of devices in parallel [paragraph 19].

Regarding claim 4, Yoakum discloses reading a set of capabilities for said device [paragraph 18];
determining whether there are any reference tables associated with said capabilities [paragraphs 18 and 23]; and
reading said reference tables [paragraphs 21-23].

Regarding claim 5, Yoakum discloses detecting that all of said capabilities for said device have been read [paragraphs 18-22];
determining whether said device connects to any other devices [paragraphs 18-22]; and
reading a set of capabilities and associated reference tables for said other devices if said device connects to said other devices [paragraphs 18-22].

Regarding claim 6, Yoakum discloses said configuring comprises configuring at least one capability with said fabric information [paragraphs 18-22].

Regarding claim 7, Yoakum discloses detecting that capabilities information has been read for all devices connected to said fabric [paragraphs 18-22];
creating a connection table for said plurality of devices [paragraphs 18-23]; and
communicating information between said devices using said fabric and said connection table [paragraphs 18-23].

Regarding claim 9, Yoakum discloses a plurality of devices [paragraphs 19, lines 2-3, figure 1];

a communications fabric to connect to said plurality of devices, said communications fabric to communicate information between said devices [paragraph 18];

a fabric management module to connect to said communications fabric, said fabric management module to discover and configure said devices to communicate said information using said communications fabric, said fabric management module

comprises a fabric discovery module to locate said plurality of devices connected to said communications fabric, said fabric discovery module to determine whether capability information for a device has been collected, to collect a set of capability information for each device in accordance with said determination, and to configure each device with fabric information [paragraphs 18-23]; and
a shelf for said plurality of devices, communications fabric, and fabric management module [figure 7].

Regarding claim 10, Yoakum discloses at least one device comprises a single board computer [paragraphs 71-72].

Regarding claim 13, Yoakum discloses said fabric management module comprises a capability database connected to fabric discovery module, said capability database to store a record for each device [paragraphs 18-22].

Regarding claim 14, Yoakum discloses a plurality of devices;
a communications fabric to connect to said plurality of devices, said communications fabric to communicate information between said devices [paragraphs 18-19]; and
a fabric management module to connect to said communications fabric, said fabric management module to discover and configure said devices to communicate said information using said communications fabric, said fabric management module comprising a fabric discovery module, said fabric discovery module to determine

whether capability information for a device has been collected, collect a set of capability information for each device in accordance with said determination and update a capability table with said capability information [paragraphs 21-23].

Regarding claim 15, Yoakum discloses at least one device comprises a single board computer [paragraphs 71-72].

Regarding claim 17, Yoakum discloses said fabric management module comprises a fabric discovery module to locate said plurality of devices connected to said communications fabric, said fabric discovery module to collect a set of capability information for each device, and to configure each device with fabric information [paragraphs 18-22].

Regarding claim 18, Yoakum discloses said fabric management module comprises a capability database connected to said fabric discovery module, said capability database to store a record for each device [paragraphs 18-22].

Regarding claim 19, Yoakum discloses said fabric discovery module generates a connection table for said plurality of devices, with said connection table having a path between each pair of devices connected to said communications fabric [paragraphs 18-22].

Regarding claim 20, Yoakum discloses a storage medium [paragraphs 71-72, figure 7]; said storage medium including stored instructions that, when executed by a processor, are operable to locate a plurality of devices connected to a fabric, determine whether capability information for a device has been collected, collect capability information for each device, in accordance with said determination, update a capability table with said capability information, and configure each device with fabric information [paragraphs 18-22].

Regarding claim 21, Yoakum discloses the stored instructions, when executed by a processor, are further operable to collect said capability information for a plurality of devices in parallel [paragraph 19].

Regarding claim 23, Yoakum discloses the stored instructions, when executed by a processor, determine that said capability information for said device has not been collected, and collect said capability information using stored instructions operable to read a set of capabilities for said device [paragraphs 18-23], determine whether there are any reference tables associated with said capabilities [paragraph 18], and read said reference tables [paragraphs 18 and 23].

Regarding claim 24, Yoakum discloses the stored instructions, when executed by a

processor, are further operable to detect that all of said capabilities for said device have been read, determine whether said device connects to any other devices, and read a set of capabilities and associated reference tables for said other devices if said device connects to said other devices [paragraphs 18 and 23].

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 4-11, 13-21 and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the

amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145